

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-012539
CV 2015-050940

03/31/2015

COMMISSIONER BRIAN S. REES

CLERK OF THE COURT
T. Pavia
Deputy

QUALITY LOAN SERVICE CORPORATION

LAKSHMI JAGANNATH

v.

MARICOPA COUNTY TREASURER

COMM. MORROW
COURT ADMIN-CIVIL-CCC
DOCKET-CIVIL-CCC
MARICOPA COUNTY TREASURER
MECHELE M. GRENFELL
3619 W. DIANA
PHOENIX AZ 85051
NICHOLAS P GRENFELL
18231 N. 42ND AVENUE
GLENDALE AZ 85308

CASE CONSOLIDATION

The court has received and reviewed a petition entitled "Application for Release of Excess Proceeds of Sale by Owner." It is filed as a new cause of action. This is contrary to statute, and contrary to the instructions given on the Court's and the Treasurer's website. See ARS section 33-812 G, "... apply for the release of the excess proceeds by filing an application for distribution in the civil action that was filed by the trustee...." To save the applicant another filing fee,

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IT IS ORDERED that CV2015-050940 is consolidated into CV 2014-012539 for all further proceedings.

Similarly contrary to the face of the forms being used, and the statute, the petitioner is not the true named owner (trustor) of the property at the time of the sale. The Title search provided in the petition shows the trustor as "Mechele Grenfell, wife of Nicholas Grenfell." This would suggest that the property was her sole and separate property, otherwise it would have been taken as Joint tenants, Husband & Wife. For this reason, the true plaintiff needs to file an amended application with her verification. (No new fee is required. Mechele is listed on the cover sheet.)

After the amended application is filed in the correct case number, the applicant is advised that there is a superior lien holder (American Express) that must either file a satisfaction of its lien or be given an opportunity to make a claim, before this claim can be paid. In that regard, the court must wait for 180 days from the filing of the complaint to allow either of those things to happen.

Moreover, the court cannot order payment of the claim until at least 45 days after the claimants have filed an affidavit of proof indicating that they sent a copy of their claim to all of the persons or businesses listed in the Trustee's complaint (including the superior lienholder), plus the Treasurer. See 33-812 G.

Finally, the court is curious about the amount being claimed by the petitioner. It far exceeds the amount of excess proceeds that were deposited, as stated in the complaint. The court would like some explanation of this amount, especially given that the claim was made without any reference to the original complaint.